REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed December 19, 2005 (the "Office Action"). At the time of the Office Action, Claims 40-69 were pending in the Application. Claims 52-59, 64, and 69 were allowed, Claims 41-43, 61-63, and 66-68 were objected to, and Claims 40, 44-51, 60, and 65 were rejected. Applicants respectfully request reconsideration and favorable action in this case.

Finality of Office Action

Applicants respectfully submit that the finality of the Office Action is improper. According to the Office Action, Applicants' amendment necessitated the new grounds of rejection presented in the Office Action. Applicants respectfully disagree.

In the July 18, 2005 Office Action, the Examiner relied on U.S. Patent No. 5,826,077 issued to Blakeley et al ("*Blakeley*") as teaching recursively querying a database. *See* July 18, 2005 Office Action, pp. 3, 5, 7, 9, 10, 12, 13, and 16. However, as Applicants pointed out in their Response mailed September 21, 2005, the Office Action misinterpreted the *Blakeley* reference. *See* September 21, 2005 Response, p. 12. Rather than disclosing <u>recursively querying</u> a database, the *Blakeley* reference disclosed <u>recursively defining</u> a complex object. *See* col. 5, ll. 10-18. Nowhere in *Blakeley* was it disclosed that a database may be recursively queried.

In an attempt to correct this deficiency, the Office Action now relies on U.S. Patent No. 5,546,570 issued to McPherson, Jr., et al ("*McPherson*") as teaching recursively querying a database. Office Action, p. 4. However, since "recursively querying" a database appeared in previously pending claims (*see, e.g.,* Claims 9, 17 and 31), this substitution of references could not have been necessitated by Applicants' amendment. As such, Applicants respectfully request that the finality of this Office Action be removed.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 52-59, 64, and 69 are allowed. Applicants also note the Examiner's indication that Claims 41-43, 61-63, and 66-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In light of the Examiner's indication, Applicants submit that

Claims 44 and 45, which depend from Claim 43, are also allowable and request that the rejections of Claim 44 and 45 be withdrawn.

Section 103 Rejections

Claims 40, 44, 46-51, 60, and 65 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,325,531 issued to McKeeman et al. ("*McKeeman*") in view of *McPherson*. Applicants respectfully traverse these rejections for the reasons discussed below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants respectfully submit that each and every element of Claims 40, 44, 46-51, 60, and 65 is not found within the references cited by the Examiner.

Claim 40 recites:

> A method of generating dependency information for code objects stored in a database, comprising:
> recursively querying a database for one or more dependencies of procedural code objects stored in the database;
> receiving an indication from the database of one or more dependencies of procedural code objects stored in the database; and
> generating a dependency information tracking array based on the indication of one or more dependencies of procedural code objects.

Applicants submit that the *McKeeman-McPherson* combination suggested by the Examiner fails to teach, suggest, or disclose each of these elements. For example, the *McKeeman-McPherson* combination fails to teach, suggest, or disclose "recursively querying a database for one or more dependencies of procedural code objects stored in the database." Instead, *McPherson* discloses "an evaluation strategy for the execution of SQL queries involving recursion and table queues in a relational database management system." Abstract. This evaluation strategy uses a directed acyclic graph (DAG) and a directed cyclic graph (DCG). *See* col. 3, ll. 61- col. 11, ll. 15. To the extent the Examiner relies upon the portions of *McPherson* relating to the DAG, the Examiner's reliance is misplaced, as "[t]he DAG represents a query execution plan of a <u>non-recursive</u> SQL query." Col. 3, ll. 62-64 (emphasis added). Thus, the DAG cannot be used to "recursively query[] a database." To the extent the

Examiner relies upon the portions of *McPherson* relating to the DCG, the Examiner's reliance is also misplaced. Although a DCG represents a query execution plan of a recursive SQL query, *McPherson* fails to teach, suggest, or disclose how the DCG may be used to "recursively query[] a database for <u>one or more dependencies of procedural code objects stored in the database.</u>" In fact, nothing in *McPherson* mentions anything about dependencies of procedural code objects. For at least this reason, the rejection of Claim 40 is improper.

The *McKeeman-McPherson* combination also fails to teach, suggest, or disclose "generating a dependency information tracking array based on the indication of one or more dependencies of procedural code objects." Instead, the *McKeeman* reference relied upon by the Examiner discloses using a software development tool to generate and store fine grain dependency graphs that identify dependencies between symbols within application modules of software applications. Col. 17, ll. 48-52. These fine grain dependency graphs, however, are not generated based on an indication received from a database as required by Claim 40. In fact, <u>*McKeeman* includes no mention of a database and fails to disclose how these fine grain dependency graphs are even generated.</u> For this additional reason, the rejection of Claim 40 is improper. As such, Applicants respectfully request the rejection of Claim 40 be withdrawn.

Similar to Claim 40, Claim 60 recites a software module operable to "recursively query the database for one or more dependencies of procedural code objects stored in the database" and "generate a dependency information tracking array based on the indication of one or more dependencies of procedural code objects." Likewise, Claim 65 recites a computer-readable medium encoded with logic operable to perform the steps comprising "recursively querying a database for one or more dependencies of procedural code objects stored in the database" and "generating a dependency information tracking array based on the indication of one or more dependencies of procedural code objects." Therefore, Applicants submit that Claims 60 and 65 are allowable, for example, for reasons similar to those discussed above with regard to Claim 40. As such, Applicants respectfully request that the rejections of Claims 60 and 65 be withdrawn.

Claims 44 and 46-51 depend, directly or indirectly, from Claim 40. Therefore, Applicants submit that Claims 44 and 46-51 are allowable, for example, for reasons similar to those discussed above with regard to Claim 40. Moreover, Claim 44 depends directly from

Claim 43, which the Examiner has already indicated would be allowable if rewritten in independent form. As such, Applicants respectfully request that the rejections of Claims 44 and 46-51 be withdrawn.

Claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *McKeeman* in view of *McPherson*, and further in view of U.S. Patent No. 5,926,819 issued to Doo et al. ("*Doo*"). Applicants respectfully traverse this rejection for the reasons discussed below.
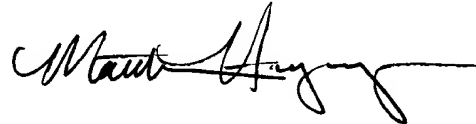
Claim 45 depends indirectly from Claim 40. Therefore, Applicants submit that Claim 45 is allowable, for example, for reasons similar to those discussed above with regard to Claim 40. Moreover, Claim 45 depends directly from Claim 43, which the Examiner has already indicated would be allowable if rewritten in independent form. Therefore, Applicants submit that Claim 45 is also allowable. As such, Applicants respectfully request that the rejection of Claim 45 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fees are due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge said fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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